

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

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APR 20 2006

AT 8:30
WILLIAM T. WALSH
CLERK

BROADCOM CORPORATION,

Plaintiff,

v.

QUALCOMM INCORPORATED,

Defendant.

[PROPOSED] ORDER

Civil Action No. 05-3350 (MLC)

WHEREAS, the parties appeared telephonically before the Court on April 17, 2006 for a hearing on QUALCOMM's application for an order compelling Broadcom to produce documents responsive to QUALCOMM's document request 18, as modified, that relate to the non-mobile wireless businesses of Broadcom, and in consideration of the parties' positions as set forth therein and in the parties' letters to the Court of April 5, 2006 and April 13, 2006, and for good cause shown,

IT IS HEREBY ORDERED THAT:

1. QUALCOMM's application for an order compelling Broadcom to produce documents responsive to QUALCOMM's document request 18, as modified, that relate to the non-mobile wireless businesses of Broadcom is DENIED.
2. The Court finds for purposes of Rule 26(b)(1) of the Federal Rules of Civil Procedure that the claims and defenses in this case relate to mobile-wireless communications.


3. The Court further finds for purposes of Rule 26(b)(1) of the Federal Rules of Civil Procedure that Qualcomm has made no showing that Broadcom's discounting in areas outside of mobile-wireless communications are relevant to the subject matter involved in this action.

4. The Court further finds that QUALCOMM will have ample opportunity through deposition discovery to inquire about Broadcom's general discounting.

IT IS SO ORDERED

DATED: _____

4/18/06



THE HONORABLE JOHN J. HUGHES